

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 37 be amended to read as follows:

- 1 Page 2, between lines 28 and 29, begin a new paragraph and
2 insert: "SECTION 4. IC 3-6-6-0.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter,**
5 **"mid election day" refers to 1:30 p.m. on election day.**
6 SECTION 5. IC 3-6-6-10 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) A county
8 chairman may make nominations for precinct election offices by filing
9 the nominations in writing with the circuit court clerk not later than
10 noon twenty-one (21) days before the election.
11 (b) This subsection does not apply to the office of precinct
12 inspector. A county chairman may specify in the nomination of an
13 individual for a precinct election office that the individual is nominated
14 to serve until ~~noon on~~ **mid** election day and that another individual is
15 nominated to serve in the same precinct election office beginning at
16 ~~noon on~~ **mid** election day until the expiration of the term of the office
17 under section 37(b) of this chapter.
18 SECTION 6. IC 3-6-6-11 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) A county
20 election board shall appoint the individuals who are nominated for
21 precinct election offices by the county chairmen if the individuals are
22 otherwise eligible under this chapter to serve in the precinct election
23 offices for which they are nominated.
24 (b) This subsection does not apply to the office of precinct
25 inspector. This subsection applies to an appointment to a precinct
26 election office made following a nomination by a county chairman
27 under this chapter. The county election board shall provide that an
28 appointment of an individual to a precinct election office:
29 (1) expires at ~~noon on~~ **mid** election day; or
30 (2) begins at ~~noon on~~ **mid** election day and expires under section
31 37(b) of this chapter;
32 if the nomination made by the county chairman specifies that the

1 nomination is made for a term that begins or expires at those times.

2 (c) This subsection does not apply to the office of precinct
3 inspector. This subsection applies to an appointment to a precinct
4 election office made by a county election board under section 13(b) of
5 this chapter. The county election board may appoint an individual to a
6 precinct election office for a term that:

7 (1) expires at ~~noon on mid~~ election day; or

8 (2) begins at ~~noon on mid~~ election day and expires under section
9 37(b) of this chapter."

10 Page 39, line 8 strike "~~6 p.m.~~" and insert "**the time the polls are**
11 **required to close**".

12 Page 39, line 8, delete "day," insert "**day under IC 3-11-8-8**".

13 Page 41, between lines 5 and 6, begin a new paragraph and
14 insert: "SECTION 84. IC 3-11-8-8 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. The polls in
16 each precinct open at 6 a.m. and close at ~~6 p.m.~~ **9 p.m.** on election
17 day."

18 Page 46, between lines 13 and 14, begin a new paragraph and
19 insert: "SECTION 93. IC 3-11-10-11, AS AMENDED BY
20 P.L.221-2005, SECTION 70, IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) On
22 election day each circuit court clerk (or an agent of the clerk) shall visit
23 the appropriate post office to accept delivery of absentee envelopes at
24 the latest possible time that will permit delivery of the ballots to the
25 appropriate precinct election boards before ~~6 p.m.~~ **the time the polls**
26 **are required to close on election day under IC 3-11-8-8.**

27 (b) Not later than noon on election day, the county voter
28 registration office shall visit the appropriate post office to accept
29 delivery of mail containing documentation submitted by a voter to
30 comply with IC 3-7-33-4.5. The office shall immediately notify the
31 county election board regarding the filing of this documentation to
32 permit the board to provide certification of this filing to the appropriate
33 precinct election boards before ~~6 p.m.~~ **the time the polls are required**
34 **to close on election day under IC 3-11-8-8.**"

35 Page 47, between lines 10 and 11, begin a new paragraph and
36 insert: "SECTION 94. IC 3-11-10-24, AS AMENDED BY
37 P.L.103-2005, SECTION 12, IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Except as
39 provided in subsection (b), a voter who satisfies any of the following
40 is entitled to vote by mail:

41 (1) The voter has a specific, reasonable expectation of being
42 absent from the county on election day during the entire ~~twelve~~
43 ~~(12) hours~~ **time** that the polls are open.

44 (2) The voter will be absent from the precinct of the voter's
45 residence on election day because of service as:

46 (A) a precinct election officer under IC 3-6-6;

47 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

48 (C) a challenger or pollbook holder under IC 3-6-7; or

49 (D) a person employed by an election board to administer
50 the election for which the absentee ballot is requested.

51 (3) The voter will be confined on election day to the voter's
52 residence, to a health care facility, or to a hospital because of an

1 illness or injury during the entire ~~twelve (12) hours~~ **time** that the
2 polls are open.

3 (4) The voter is a voter with disabilities.

4 (5) The voter is an elderly voter.

5 (6) The voter is prevented from voting due to the voter's care of
6 an individual confined to a private residence because of illness
7 or injury during the entire ~~twelve (12) hours~~ **time** that the polls
8 are open.

9 (7) The voter is scheduled to work at the person's regular place
10 of employment during the entire ~~twelve (12) hours~~ **time** that the
11 polls are open.

12 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

13 (9) The voter is prevented from voting due to observance of a
14 religious discipline or religious holiday during the entire ~~twelve~~
15 ~~(12) hours~~ **time** that the polls are open.

16 (10) The voter is an address confidentiality program participant
17 (as defined in IC 5-26.5-1-6).

18 (b) A voter with disabilities who:

19 (1) is unable to make a voting mark on the ballot or sign the
20 absentee ballot secrecy envelope; and

21 (2) requests that the absentee ballot be delivered to an address
22 within Indiana;

23 must vote before an absentee voter board under section 25(b) of this
24 chapter.

25 (c) If a voter receives an absentee ballot by mail, the voter shall
26 personally mark the ballot in secret and seal the marked ballot inside
27 the envelope provided by the county election board for that purpose.

28 The voter shall:

29 (1) deposit the sealed envelope in the United States mail for
30 delivery to the county election board; or

31 (2) authorize a member of the voter's household or the individual
32 designated as the voter's attorney in fact to:

33 (A) deposit the sealed envelope in the United States mail; or

34 (B) deliver the sealed envelope in person to the county
35 election board.

36 (d) If a member of the voter's household or the voter's attorney in
37 fact delivers the sealed envelope containing a voter's absentee ballot to
38 the county election board, the individual delivering the ballot shall
39 complete an affidavit in a form prescribed by the commission. The
40 affidavit must contain the following information:

41 (1) The name and residence address of the voter whose absentee
42 ballot is being delivered.

43 (2) A statement of the full name, residence and mailing address,
44 and daytime and evening telephone numbers (if any) of the
45 individual delivering the absentee ballot.

46 (3) A statement indicating whether the individual delivering the
47 absentee ballot is a member of the voter's household or is the
48 attorney in fact for the voter. If the individual is the attorney in
49 fact for the voter, the individual must attach a copy of the power
50 of attorney for the voter, unless a copy of this document has

1 already been filed with the county election board.

2 (4) The date and location at which the absentee ballot was
3 delivered by the voter to the individual delivering the ballot to
4 the county election board.

5 (5) A statement that the individual delivering the absentee ballot
6 has complied with Indiana laws governing absentee ballots.

7 (6) A statement that the individual delivering the absentee ballot
8 is executing the affidavit under the penalties of perjury.

9 (7) A statement setting forth the penalties for perjury.

10 (e) The county election board shall record the date and time that
11 the affidavit under subsection (d) was filed with the board.

12 (f) After a voter has mailed or delivered an absentee ballot to the
13 office of the circuit court clerk, the voter may not recast a ballot, except
14 as provided in:

15 (1) section 1.5 of this chapter; or

16 (2) section 33 of this chapter."

17 Page 56, between lines 13 and 14, begin a new paragraph and
18 insert: "SECTION 8. IC 3-11-14-19 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. Each county
20 election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time the**
21 **polls are required to close** on election day **under IC 3-11-8-8**. Upon
22 notice that an electronic voting system is out of order or fails to work,
23 the board shall be ready between those hours to deliver to any precinct
24 in the county:

25 (1) necessary paper ballots;

26 (2) election booths with an adequate number of stalls;

27 (3) ballot boxes; and

28 (4) all necessary supplies and equipment as required by law."

29 Page 62, between lines 30 and 31, begin a new paragraph and
30 insert: "SECTION 107. IC 3-11.5-4-13, AS AMENDED BY
31 P.L.198-2005, SECTION 13, IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the
33 absentee ballot counters find under section 11 of this chapter that any
34 of the following applies, the ballots shall be rejected:

35 (1) The affidavit is insufficient or that the ballot has not been
36 endorsed with the initials of:

37 (A) the two (2) members of the absentee voter board in the
38 office of the clerk of the circuit court under IC 3-11-4-19 or
39 IC 3-11-10-27;

40 (B) the two (2) members of the absentee voter board visiting
41 the voter under IC 3-11-10-25; or

42 (C) the two (2) appointed members of the county election
43 board or their designated representatives under
44 IC 3-11-4-19.

45 (2) The signatures do not correspond or there is no signature.

46 (3) The absentee voter is not a qualified voter in the precinct.

47 (4) The absentee voter has voted in person at the election.

48 (5) The absentee voter has not registered.

49 (6) The ballot is open or has been opened and resealed. This
50 subdivision does not permit an absentee ballot transmitted by fax

or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than ~~5 p.m.~~ **one (1) hour before the time the polls are required to close** on election day **under IC 3-11-8-8**. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote."

Page 63, between lines 20 and 21, begin a new paragraph and insert: "SECTION 108. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) At ~~6 p.m.~~ **the time the polls are required to close** on each election day **under IC 3-11-8-8**, the county election board shall assemble in a room to canvass the certificates, poll lists, and tally papers returned by each inspector in the county and to declare the results of the election as provided in this chapter.

(b) The canvassing must be performed in public under IC 5-14-1.5. However, the board may restrict access to parts of the room where election material is being handled or transported to safeguard the material.

1 (c) Except as provided in section 7 of this chapter, the county
2 executive shall provide a room in the courthouse that contains adequate
3 space to permit members of the public to witness the canvassing of
4 votes.".

5 Renumber all SECTIONS consecutively.
 (Reference is to SB 37 as printed January 25, 2006.)

Senator BREAU